



Atty. Dkt. No. 061270-0913

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeff G. GREGER et al.

Title: OPEN TOP SWING

Appl. No.: 10/804,226

Filing Date: 03/19/2004

Examiner: Unassigned

Art Unit: 3712

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

Documents A1-A2 listed on the attached PTO/SB/08 came to Applicants' attention during a search of the corresponding British application. A copy of the British search report setting forth the portion of each reference considered relevant by the examiner is attached. Documents A5-A9 listed on the attached PTO/SB/08 were first published at a date presently undetermined, but believed to be not later than the effective filing date of the present application.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

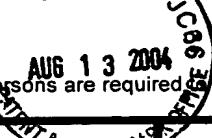
Date august 13, 2004 By Mary Michelle Kile

FOLEY & LARDNER LLP
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Mary Michelle Kile
Attorney for Applicant
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AUG 13 2004



Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Date Submitted: August 13, 2004

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/804,226
Filing Date	03/19/2004
First Named Inventor	Jeff G. GREGER
Group Art Unit	3712
Examiner Name	Unassigned

Attorney Docket Number 061270-0913

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
A1	4,807,872			Spilman et al.	02/28/1989	
A2	465,275			Kennedy et al.	12/15/1891	
A3	5,322,343			Parker et al.	06/21/1994	
A4	6,645,080			Greger	11/11/2003	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
A5		"Clarion 6 Speed Gentle Choice Open Top Swing", Graco, 2 pp. (publication date unknown).	
A6		"6 Speed Open Top Swing in Spectator", Graco, 2 pp. (publication date unknown).	
A7		"Open Top Swing – Jack & Jill", Fisher-Price, 1 pp. (publication date unknown).	
A8		"Peaceful Time™ Open Top Swing", Product #: B8046", Fisher-Price, 1 pp. (publication date unknown).	
A9		"Open Top Take-Along Swing™", Product #: C4636", Fisher Price, 1 pp. (publication date unknown).	

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**PROPRIETARY MATERIAL NOT OPEN TO PUBLIC.
TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED
PATENT AND TRADEMARK OFFICE EMPLOYEE.
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Art Unit: 3712

**TRANSMITTAL LETTER FOR PROPRIETARY INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.56, 37 C.F.R. § 1.97, and M.P.E.P. § 724.02**

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Attached hereto is a Proprietary Information Disclosure Statement submitting proprietary information to the Patent and Trademark Office in accordance with the requirements of 37 C.F.R. §1.56, 37 C.F.R. § 1.97, and M.P.E.P. § 724.02. Applicants respectfully request that the information be considered only by the Examiner in charge of the above-captioned application or other authorized Patent and Trademark Office employee.

Respectfully submitted,

Date August 13, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeff G. GREGER et al..

Title: OPEN TOP SWING

Appl. No.: 10/804,226

Filing Date: 03/19/2004

Examiner: Unassigned

Art Unit: 3712

PROPRIETARY INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.56 AND MPEP §§ 724

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

The following is a listing of a copending U.S. patent application.

Application No.	Filing Date
10/702,514	11/07/2003

Applicants consider the aforementioned document and the disclosure of its existence as a pending application to constitute proprietary information. Accompanying this Proprietary Information Disclosure Statement is a transmittal letter indicating that the materials contained herein are proprietary, as required by MPEP § 724.02.

This Information Disclosure Statement is not intended as an admission either that the listed application constitutes prior art against the claims of the present application or that the listed application is material to patentability as defined in 37 C.F.R. § 1.56(b). Applicants do not waive the right to take appropriate action to antedate the listed application, or prior art cited with respect to such document, that does not constitute a statutory bar and that is applied against the claims of the present application, or to otherwise remove such document as a competent reference. Applicants assume that the examiner will have access to all of the references cited in the listed application. However, if the examiner wishes applicants to submit copies of each of the references cited in the listed application, the examiner is encouraged to inform applicants.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is being filed in compliance with 37 C.F.R. §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

The above-mentioned application is being disclosed as a possible related co-pending U.S. application.

Applicants respectfully request that the listed application be considered by the Examiner, but that such application be treated as proprietary information in accordance with M.P.E.P. §724.

Applicants respectfully request that the Examiner consider the foregoing information and provide in the next official communication the information set forth in MPEP § 724.04(a), particularly the information under item (D), so that the applicants can, if appropriate, subsequently file a petition to expunge those materials, as provided according to MPEP § 724.05.

Respectfully submitted,

Date August 13, 2004 By Mary Michelle Kile

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